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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**((HONORABLE MARILYN L. HUFF))**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO CARLOS HERNANDEZ-  
MONTALVO,

Defendant.

CASE NO. 07CR2933-MLH

MOTION FOR AN ORDER RELEASING  
CRIMINAL HISTORY DOCUMENTS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;  
CARLA BRESSLER, ASSISTANT UNITED STATES ATTORNEY; AND  
SHELLEY SEACOTTE, UNITED STATES PROBATION OFFICER:

Mr. Hernandez-Montalvo respectfully requests an order granting the production of all documents relied upon by United States Probation in determining his alleged prior criminal history, law enforcement contacts, and pending cases. The requested documents are necessary in determining whether the information in the pre-sentence report is correct.

Respectfully submitted,

/s/ Kris J. Kraus

DATED: February 1, 2008

**KRIS J. KRAUS**

Federal Defenders of San Diego, Inc.

Attorneys for Mr. Hernandez-Montalvo

**CERTIFICATE OF SERVICE**

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of her information and belief, and that a copy of the foregoing document has been served this day upon:

Carla Bressler  
U S Attorneys Office Southern District of California  
Criminal Division  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619)557-5610  
Fax: (619)235-2757  
Email: carla.bressler@usdoj.gov

A copy was served by electronic mail to:

Shelley Seacotte  
United States Probation Officer  
shelleyseacotte/CASP/09/USCOURTS

Dated: February 1, 2008

/s/ Kris J. Kraus  
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